THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO : 11054 of 1998

Dated: 10th August, 2005

Between:

K.Rajeshwara Chary

… Petitioner

and

1. The Presiding Officer, Industrial Tribunal-cum-Labour Court,

Godavarikhani and another
… Respondents

ORDER:

This writ petition is filed by the petitioner-Workman being aggrieved by the award passed by the Industrial Tribunal-cum-Labour Court, at Godavarikhani, in I.D.No.117 of 1991, dated 19-06-1992, insofar as denying the back wages and other benefits.

2. There is no necessity of going into all the details. It is suffice to notice that the petitioner-Workman was appointed as a Conductor in Andhra Pradesh State Road Transport Corporation with effect from
17-03-1980. While so, he was issued with a charge-sheet dated
14-10-1980 alleging certain cash and ticket irregularities. After conducting a detailed enquiry and following formalities, the petitioner-Workman was removed from service on 30-04-1981. The petitioner-Workman did not raise any dispute till 1991 i.e. for about more than ten years. Thereafter, he filed the claim petition under Section 2-A(2) of the Industrial Disputes Act, 1947 (for short, 'the Act'), before the Industrial

Tribunal-cum-Labour Court, at Godavarikhani, and the same was taken up on file as I.D.No.117 of 1991. The Labour Court entertained the belated claim after about a decade and after appreciation of the merits of the case, opined that since the petitioner-Workman is out of employment from the date of his removal from service i.e. from 30-04-1981, denial of back wages, denial of all other attendant benefits and denial of increments for a period of two years to come from the date of his reinstatement with cumulative effect, and to take into consideration the period of three years only prior to his reinstatement for the purpose of computing his *inter se* seniority, but, not the entire length of his absence from actual duty, will be sufficient punishment for the petitioner-Workman and directed reinstatement, having held that the charges are proved and the punishment is disproportionate to that of the charges.

3. I am of the opinion that the Labour Court itself has taken a lenient view of the matter, entertained a stale petition and granted some relief. The Labour Court has not committed any error in denying the other benefits such as back wages, continuity of service to some extent for the purpose of seniority etc.

4. The writ petition is devoid of merits and liable to be dismissed, accordingly dismissed. No order as to costs.

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C.V. RAMULU, J

10th August, 2005.

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